IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TENNESSEE AT CHATTANOOGA

EDGAR L. CAGLE, JR., and)	
CAGLE PROPERTIES, LLC)	
Plaintiffs,))) No.	
V.)	
)	
)	
STATE FARM FIRE AND CASUALTY)	
COMPANY,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §1441, *et seq.*, Defendant State Farm Fire and Casualty Company ("State Farm") hereby removes this action originally filed in state court to the United States District Court for the Eastern District of Tennessee, and alleges as follows:

- 1. On September 6, 2012, the Department of Commerce and Insurance was served with a summons and complaint in an action entitled *Edgar L. Cagle, Jr. and Cagle Properties*, *LLC v. State Farm Fire and Casualty Company*, filed August 30, 2012, in the Chancery Court for Hamilton County, Tennessee. A true and accurate copy of the summons and complaint is attached as Exhibit 1.
- 2. The case stated by the complaint served upon State Farm is removable to this Court pursuant to 28 U.S.C. §1441 in that Plaintiff Edgar L. Cagle, Jr., at the time this action was commenced, was and still is a resident of Hamilton County, Tennessee and Plaintiff Cagle Properties, LLC was and still is a limited liability company organized under the law of the State of Tennessee. State Farm, at the time this action was commenced, was and still is an insurance

company organized under the laws of the State of Illinois with its principal place of business in

Bloomington, Illinois.

3. The above-described action is a civil action of which this Court has original

jurisdiction pursuant to the provisions of 28 U.S.C. §1332 and is one which may be removed to

this Court by State Farm pursuant to the provisions of 28 U.S.C. §1441, in that complete

diversity of citizenship exists between the parties. In addition, Plaintiffs are seeking damages for

State Farm's alleged breach of an insurance contract in the amount of \$1,000,000, plus additional

damages for State Farm's alleged breach of the duty of good faith pursuant to Tenn. Code Ann.

§56-7-105, so that the matter in controversy exceeds, exclusive of interest and costs, the sum of

\$75,000. Therefore, this Court has original jurisdiction over this action.

WHEREFORE, State Farm gives notice that the above action now pending against it in

the Chancery Court for Hamilton County, Tennessee, has been removed therefrom to this Court.

DATED this 5th day of October, 2012.

Respectfully submitted,

BAKER, DONELSON, BEARMAN, CALDWELL

& BERKOWITZ, P.C.

By: s/Brigid M. Carpenter_

Brigid M. Carpenter

B.P.R. No. 18134

Baker Donelson Center

211 Commerce Street, Suite 800

Nashville, Tennessee 37201

(615) 726-5600

(615) 744-7341 (facsimile)

bcarpenter@bakerdonelson.com

Attorneys for Defendant State Farm Fire and Casualty

Company

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing Notice of Removal has been served upon the following counsel for the parties in interest herein by first-class U.S. mail, postage pre-paid:

David J. Fulton, Esq. Gregory E. Glass, Esq. Scarborough, Fulton & Glass 701 Market Street, Suite 1000 Chattanooga, Tennessee 37402

this 5th day of October, 2012.

s/ Brigid M. Carpenter
Brigid M. Carpenter